

# CHANGE IN CANADIAN BORDER BOAT LANDING PERMIT REQUIREMENTS

SEPTEMBER 18, 1997.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SMITH of Texas, from the Committee on the Judiciary,  
submitted the following

## R E P O R T

together with

## DISSENTING VIEWS

[To accompany H.R. 2027]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2027) to provide for the revision of the requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act, and to require the Attorney General to report to the Congress on the impact of such revision, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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## PURPOSE AND SUMMARY

H.R. 2027 provides that U.S. citizen passengers on small boats (who are neither owners nor operators) on short trips between the U.S. and Canada need not obtain Canadian Border Boat Landing Permit forms if carrying U.S. passports for the duration of their trips.

## BACKGROUND AND NEED FOR THE LEGISLATION

Currently, American and Canadian small boat operators and passengers returning to the United States from Canadian waters must either enter through a port-of-entry or possess approved I-68 (Canadian Border Boat Landing Permit) forms issued by the Immigration and Naturalization Service for \$16 and good for one year.<sup>1</sup>

While the I-68 form allows individuals on boats to enter the United States without being inspected at each docking, the persons are physically inspected and entered into INS records once a year when applying for the forms at INS offices.

Boaters generally find the I-68 form a minor inconvenience. Tourists and houseguests of boaters who might spontaneously want to take boat trips to Canadian waters cannot do so (unless the boat returns to the U.S. through a port of entry) because they have not likely procured I-68 forms in advance.

H.R. 2027 provides that in the case of a United States citizen traveling on small boat on a trip between the United States and Canada of not more than 72 hours duration, the citizen need not obtain a I-68 permit if the citizen is a passenger (and not the owner or operator) and carries a U.S. passport for the duration of the trip. Owners and operators of boats have advance notice of the need for I-68 forms, and can make plans for obtaining them.

The Committee does not dismiss concerns that any I-68 exemption might facilitate alien smuggling by allowing individuals to enter the U.S. without ever being inspected. For this reason, H.R. 2027 creates a pilot project of only a year and a half's duration. At the conclusion of the pilot, the INS will provide Congress a report indicating whether the pilot has had any impact on illegal immigration into the United States.

In addition, the bill only allows the U.S. passport as a substitute for the I-68 form. The passport is the most secure identification document a U.S. citizen can have. Indeed, it is more difficult to counterfeit than is the I-68 itself. The Committee believes it is unlikely that allowance of the passport's use will facilitate alien smuggling.

Finally, the owner and operator of any boat carrying passengers without I-68 forms will themselves have I-68 forms on file with

<sup>1</sup> 8 C.F.R. sec. 235.1(e).

the INS. This will facilitate any investigations carried out by the INS.

The INS is currently installing a number of video phones at locations along the St. Lawrence River that boaters can use to call into the INS when arriving instead of having to go to ports-of-entry or possess I-68 forms. If at some point in the future sufficient numbers of these video phones are installed along the U.S. shores of the Great Lakes, this might provide an alternative solution to the problem addressed by H.R. 2027.

#### HEARINGS

The Committee's Subcommittee on Immigration and Claims held one day of hearings on H.R. 2027 on June 26, 1997. Testimony was received from Representative Steven LaTourette, Donna Kay Barnes, Chief Inspector, Division of Inspections, Immigration and Naturalization Service, Elaine Dickinson, Director, State Affairs, Boat Owners Association of the United States, and Rolf Ting, President, Greater Cleveland Boating Association.

#### COMMITTEE CONSIDERATION

On July 15, 1997, the Subcommittee on Immigration and Claims met in open session and ordered reported the bill H.R. 2027 by a voice vote, a quorum being present. On July 23, 1997, the Committee met in open session and ordered reported favorably the bill H.R. 2027 without amendment by voice vote, a quorum being present.

#### VOTE OF THE COMMITTEE

H.R. 2027 was ordered reported favorably by a voice vote.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

#### COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to

the bill, H.R. 2027, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 30, 1997.*

Hon. HENRY J. HYDE,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2027, a bill to provide for the revision of the requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act, and to require the Attorney General to report to the Congress on the impact of such revision.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

*H.R. 2027—A bill to provide for the revision of the requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act, and to require the Attorney General to report to the Congress on the impact of such revision*

CBO estimates that enacting this legislation would have no significant impact on the federal budget. H.R. 2027 would affect direct spending, so pay-as-you-go procedures would apply. However, we estimate that the amounts involved would be much less than \$500,000 a year. This bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments.

Under current law, operators of small boats and their passengers returning to the United States from Canadian waters must possess permits to land anywhere other than an official port of entry. H.R. 2027 would remove this requirement for most passengers on trips lasting three or fewer days if they are United States citizens carrying passports. The bill's provisions would be effective through December 31, 1998.

In fiscal year 1996, the Immigration and Naturalization Service (INS) issued roughly 1,000 landing permits and collected fees totaling about \$34,000, which it spent (as direct spending) to recover the cost of administering the permit applications. Enacting the bill would reduce the amount of fees collected by INS but also would lower the related administrative costs. Thus, CBO estimates that H.R. 2027 would have little or no net budgetary impact.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226-2860. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Rule XI, clause 2(1)(4) of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, section 8, clause 4 of the Constitution.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Change in Canadian Border Boat Landing Permit Requirements.*

Subsection (a) provides that the Attorney General is to issue revised regulations no later than 60 days after the date of enactment of this Act that will provide that in the case of a United States citizen traveling in a boat of not more than 65 feet in length (including a boat used for commercial purposes) on a trip between the United States and Canada of not more than 72 hours duration, the citizen need not obtain a Canadian Border Boat Landing Permit (or other permit required by section 235 of the Immigration and Nationality Act) if the citizen meets two conditions. The two conditions are that (1) the citizen carries a United States passport for the duration of the trip, and (2) the citizen is neither an owner, nor an operator, of the boat.

Of course, if a U.S. citizen passenger travels to a port-of-entry upon return from Canada to be inspected by the INS, the passenger would need neither an I-68 form nor a passport. The I-68 form as available under current law and the provisions of H.R. 2027 are merely designed to provide certain individuals with alternatives to the necessity of going to ports-of-entry.

Subsection (b) provides that the revised regulations shall cease to be effective on December 31, 1998, and the regulations in effect the day before the enactment of this Act shall resume to be effective.

Subsection (c) provides that not later than March 1, 1999, the Attorney General shall report to Congress on the impact of the revised regulations on the number and nature of unauthorized entrances by individuals into the United States.

## AGENCY VIEWS

The Committee received the following letter from Doris Meissner, Commissioner of the Immigration and Naturalization Service, setting forth the INS's position on H.R. 2027:

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, DC.

Hon. HENRY J. HYDE,  
*Chairman, Committee on the Judiciary,*  
*U.S. House of Representatives,*  
*Washington, DC.*

DEAR MR. CHAIRMAN: H.R. 2027 revises inspection requirements for persons entering the United States by boat along the Canadian border. The bill proposes to revise section 235 of the Immigration and Nationality Act so that United States citizens entering the country on a boat smaller than 65 feet in length are relieved from

obtaining an I-68 permit if the citizen carries a U.S. passport and is not an owner or operator of the boat.

While the Immigration and Naturalization Service (INS) is sympathetic with the concerns of the bill's sponsors, it must oppose H.R. 2027. The INS has already developed a new process which simplifies inspections procedures for citizens and others. H.R. 2027 likely will create confusion and problems since it aims at only a small portion of the boating population. The bill seeks to exempt from the INS form I-68 only those U.S. citizens (on commercial or private vessels), who are not the owner nor the operator of the boat, whose trip will not exceed 72 hours, and who carry a U.S. passport for the duration of the excursion. It will create confusion because the same small population that the bill exempts from an INS form will still be subject to all U.S. Customs entry requirements, and all Canadian requirements for entry. It would also exempt some of this group from a requirement that didn't pertain to them in the past: persons on small commercial boats such as ferries never needed the INS form I-68 in the past. These persons all must undergo inspection on entry.

In keeping with Congressional direction, the INS is already piloting a much simpler procedure for boaters than H.R. 2027 seeks to implement. In early July, the INS installed video phones which are now operational at four locations along the St. Lawrence River so that boaters can call in to INS at a Port-of-Entry when they arrive. This procedure takes the place of obtaining a Form I-68, and Canadians as well as U.S. citizens can use it, along with owners and operators of boats, not just passengers. For the pilot, a call to the INS also serves as a Customs check, so no separate procedure is required to fulfill U.S. Customs requirements. The phone even self-dials the port, without the need for the caller to do anything but lift the receiver and talk to the inspector whom the caller can see on the answering end. This pilot is a lot simpler, friendlier, and potentially will provide an accommodation for many more boaters than H.R. 2027 seeks to accommodate.

For these reasons, the INS opposes enactment of H.R. 2027. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

DORIS MEISSNER,  
*Commissioner.*

## DISSENTING VIEWS

H.R. 2027 relaxes certain INS pre-inspection requirements for U.S. citizens traveling by boat on the Great Lakes between the U.S. and Canada. Under current law, Great Lake boaters are pre-inspected by completing an I-68 application and receiving a "Canadian Border Boat Landing Permit." Boat Landing Permits entitle boat owners and passengers who are U.S. or Canadian citizens or legal permanent residents to travel between the U.S. and Canada for an entire summer without any additional inspection. Applicants wait about two weeks to receive their Boat Landing Permits, which cost \$16 for individuals and \$32 for families. Boaters who do not have, or who do not qualify for, a Boat Landing Permit are expected to submit to a full-fledged INS inspection upon arrival from Canada.

H.R. 2027 would amend the law so that U.S. citizens with valid passports who are passengers in a boat would not be required to obtain a permit to enter the U.S. from Canada without inspection. The new law would not apply to boat owners, who would still be expected to receive a Boat Landing Permit or submit to INS inspection. The bill would sunset on December 31, 1998 and would require the Attorney General to make a report to Congress on the impact the relaxed requirements had on the number and nature of unauthorized entrances into the U.S.

While the bill might be considered an improvement over similar legislation which passed the House on the Suspension Calendar last year, there is no escaping the fact that the net effect of the bill to further relax border security on the Great Lakes. While we understand that the current system may be inconvenient to Great Lake boaters, we do not believe that such inconvenience justifies any further relaxation of the border along the Great Lakes, particularly at a time when the Congress and the Administration have increased efforts to secure all of America's borders against illegal immigration and drug smuggling.

As the southwest border between the U.S. and Mexico becomes more secure, pressure is expected to increase along the northern border between the U.S. and Canada. There have already been numerous incidents of illegal immigrants and drugs being smuggled across the U.S.-Canadian border in upstate New York. Bootleggers now use the Great Lakes to smuggle cigarettes and alcohol *into* Canada to avoid Canadian excise taxes.

Every American must share responsibility for securing our borders. That may mean longer waits at the U.S./Mexican border as inspection times increase. It may also mean that boaters on the Great Lakes must continue to submit to pre-inspection by the INS before enjoying the privilege of traveling between the U.S. and Canada without further inspection. We believe that is an inconvenience which is justified as part of our efforts to make the borders more secure.

MELVIN L. WATT.  
ROBERT C. SCOTT.

COMMITTEE ON THE JUDICIARY  
(Democratic Members)

~~John [redacted]~~

~~Wiley Frank~~

~~Charles [redacted]~~

~~[redacted]~~

~~[redacted]~~

~~[redacted]~~

*Robert C. Scott*  
Robert C. Scott

*Melvin L. Watt*  
Melvin L. Watt

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